Book Review: Free Speech after 9/11 by Katharine Gelber

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8/11/2016

In **Free Speech After 9/11** *,* **Katharine Gelber** *compares three liberal democracies – the United States, the United Kingdom and Australia – to consider the ways in which Western governments have placed new restrictions on freedom of speech since the 9/11 attacks.* **Iván Farías Pelcastre** *finds this a worthy, unique and timely contribution that shows these governments to be deliberate transgressors of the principles they often claim to be defending.*

***Free Speech after 9/11*. Katharine Gelber. Oxford University Press. 2016.**

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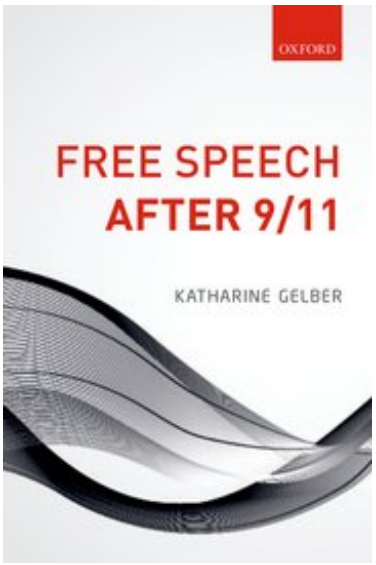

Freedom of speech is said to be one of the cornerstones of modern Western civilisation and one of the most fundamental human rights. Throughout history, however, the commitment of governments and societies to such an ideal and its universal protection have proved less steadfast than is often claimed.

To date, freedom of speech is still discursively defended and upheld by most governments throughout the world, especially those in the West. After the tragic events that took place on 11 September 2001 in the United States, however, political leaders in various Western countries began to question long-standing perceptions and understandings about the nature of free speech and its relative value *vis-à-vis* other societal interests, namely physical security.

In *Free Speech after 9/11*, Professor Katharine Gelber discusses and examines the ways in which perceptions and understandings of free speech have changed over the past fifteen years in the United States, the United Kingdom and Australia in the context of the so-called 'War on Terror'. In a forthright manner not often seen in academic or policymaking circles, Gelber makes a bold and well-argued critique of the policies that these national governments have introduced since 2001 to address the growing concerns of their populations over terrorism, both domestically and globally.

In Gelber's view, after 9/11 governments across the world rapidly shifted their standard response to terrorist threats from reaction towards prevention. Such a move allegedly enabled authorities to operate better in domestic and global contexts that they now regarded as unfamiliar and increasingly dangerous. In principle, this change would have been more effective and efficient at preserving the security of these countries and their citizens.

Nonetheless, Gelber argues and demonstrates that such a move enabled political leaders and judicial authorities in otherwise liberal democratic countries to facilitate and undertake ever earlier and tougher interventions against the activities of individuals or groups who might be even remotely connected to the future planning or undertaking of a terrorist attack. Gelber argues that the Australian, British and US governments took advantage of the climate of uncertainty and fear created by 9/11 to implement a range of policy options 'that probably would have been unthinkable' previously, such as curtailing civil liberties at home or waging outright war abroad (16).

Image Credit: 'Free Speech: Conditions Apply' (Newtown graffiti CC2.0)

The book's main contribution is to question the claim that Western governments – specifically those of Australia, Britain and the US – have been compelled to curtail (and sometimes even violate) such rights in order to preserve the security of their countries. Gelber shows instead that the decision of these governments to pursue and implement harsh and human rights-infringing policies, both domestically and externally, was a deliberate policy choice. While Western governments had the physical, economic and political capacity (including the support of the international community) to set up domestic and international counter-terrorism frameworks that were more consistent with the global protection of human rights, they did not seriously consider such an alternative.

To provide evidence for this claim, Gelber analyses freedom of speech in Australia, the UK and the US as an indicator of both the state of human rights worldwide and the effectiveness of counterterrorism efforts in these countries. Her conclusion is disheartening.

Gelber shows that governments that routinely portray themselves as robust defenders of free speech were able and willing to rapidly and decisively restrict such a right when they considered it necessary to do so (1). Furthermore, she demonstrates that, as a result of the implementation of post-9/11 policies, the UK, the US and, to a larger extent, Australia, have witnessed a substantial erosion of the civil liberties of their populations. Even more concerning, such sacrifices seem to have been futile in preventing and deterring the recruitment of people for terrorist activities.

In the author's view, the Australian, British and US governments are far from finding themselves in the purported dilemma between upholding the ideals of their liberal societies and preserving the physical security of their states. Instead, they have decisively sided with the latter. Gelber argues that it has now become 'routine, indeed perhaps even expected, for governments in these three countries to posit themselves as preserving freedom of speech while also countering terrorism, […] while doing little or nothing to overturn' the policies that curtail it (8).

The book's thorough discussion and in-depth analysis prompt the reader to go beyond the mere reiteration of the rhetorical commitments of the Australian, British, US and, more generally, Western governments to this core human right. It also instigates readers to see past commonplace statements and symbolic acts, which to a large extent pay only lip service to the defence of freedom of speech. For example, the unity rally which followed the Charlie Hebdo shooting in Paris in 2015, where the German Chancellor Angela Merkel, French President François Hollande, then-

British Prime Minister David Cameron and other world leaders marched arm-in-arm in a display of solidarity, allegedly determined to defend freedom of expression.

In Gelber's view, the sole purpose of such acts and discourses by Australian, British and US government officials on their commitment to defending freedom of speech was only to justify the rights-infringing policies they were concurrently implementing. By positing such policies as both 'necessary and appropriate' (17), their governments were able to backtrack on centuries-long efforts to achieve freedom of speech domestically and worldwide.

While convincing and thoroughly researched, the book is, however, not without gaps. Gelber herself acknowledges that *Free Speech after 9/11* puts aside numerous normative questions and philosophical debates on the role of the modern nation-state, which might have strengthened the case for pursuing more liberal policies regarding freedom of speech. Yet, this issue does not undermine in any way the quality of the study conducted. By taking freedom of speech as an enduring principle that should be valued and defended by all societies and governments around the world, Gelber allows for a more focused exploration of the significant and far-reaching policy changes that have been implemented in the three countries after 9/11.

In conclusion, Gelber makes a worthy, unique and timely contribution to the literature on human rights in general, and on freedom of speech in particular. By deconstructing and rejecting the apologetic discourse of the Australian, US and British governments on the purported need to balance freedom and security, she reveals these countries as deliberate transgressors of the principles they often claim to be defending. And, in her view, maintaining such misguided measures for much longer will only make these countries, and the West in general, more vulnerable to future attacks.

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Note: This review gives the views of the author, and not the position of the LSE Review of Books blog, or of the London School of Economics.